α

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,725	12/04/2001	Narayan Venkatasubramanyan	020431.0884	1188

53184   7590   11/23/2007
i2 TECHNOLOGIES US, INC.
ONE i2 PLACE, 11701 LUNA ROAD
DALLAS, TX 75234

EXAMINER
VAN DOREN, BETH

ART UNIT	PAPER NUMBER
3623	

MAIL DATE	DELIVERY MODE
11/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary		Application No.	Applicant(s)
		10/004,725	VENKATASUBRAMANYAN ET AL.
		Examiner	Art Unit	
		Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-8,11-15,18-23,25-29,31-35 and 37-41* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-8,11-15,18-23,25-29,31-35 and 37-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   The following is a Final office action in response to communications received

09/10/2007. Claims 1 and 23 have been amended. Claims 1, 4-8, 11-15, 18-23, 25-29, 31-35,

37-41, and 43 are pending.

Response to Arguments

2.   Applicant's arguments with regards to Kennedy et al. (U.S. 6,047,290) in view of Weber

et al. (U.S. 2002/0156663) have been fully considered, but they are not persuasive. In the

remarks, Applicant argues that (1) the provisional application 60/218,640 does not fully support

all of the disclosure of Weber and examiner must provide the sections of the provisional that

properly support the subject matter relied upon in the rejection, (2) that Kennedy does not teach

or suggest a system for generating a supply chain plan or an order planner coupled to the

database and operable to generate an order plan by planning production to supply the quantity of

items to each buffer according to the list of producers associated with the buffer, and Applicant

requests clarification of the production plan asserted by the examiner, (3) that Weber does not

teach or suggest generating a linear programming optimizer coupled to the database and operable

to (a) generate a linear programming problem for the supply chain network and (b) approximate

the linear programming problem by discretizing the time variables of the buffers to yield a

plurality of discretized time variables and by relaxing the constraint to yield a relaxed constraint,

and (4) the office action does not show the required teaching, suggestion, or motivation in the

references or in the knowledge generally available to those of ordinary skill in the art at the time

of the invention to combine these references, and Applicant cites in re Lee, asserting that any

motivation to combine or modify the prior art must be based upon a suggestion in the prior art.

In response to argument (1), Applicant has not pointed out the supposed error in examiner's action. In the rejections below, examiner has relied upon Weber to teach certain aspects of the claim, asserting Weber as having a proper 102(e) date. In the response, Applicant alleges that "the provisional application 60/218,640 does not fully support all of the disclosure of Weber and examiner must provide the sections of the provisional that properly support the subject matter relied upon in the rejection", but does not specifically point out the certain features that the Applicant believes are not supported in the provisional. Thus, Applicant has not specifically pointed out each supposed error in the examiner's action, and therefore, this amounts to a general allegation.

In response to argument (2), Examiner respectfully disagrees. Kennedy does teach this limitation, as set forth above, in figure 2, abstract, column 1, lines 39-55, column 2, lines 39-56, and column 3, lines 5-40. Specifically, Kennedy et al. discloses an inventory and material planning functionality and a planning system that creates plans using a supply chain model based on producers associated with buffers in the supply chain model. The system uses data stored in processor memory and a storage device, which is accessed to perform planning. See figure 1, column 2, lines 20-37. The optimized supply chain is produced by upstream and downstream planning, where producers are assigned to buffers, representing that the producers are able to supply the specified items to the buffers. A plan is generated by associating specific producers with specific buffers to satisfy demand and supply end items to consumers. Thus, when Kennedy et al. optimizes the supply chain model by associating specific producers with buffers to satisfy the required demand, the association creates a plan for the supply chain network. Examiner notes that the claim does not actually recite the term "production plan" and rather this

was a term used by the examiner in describing how Kennedy meet the asserted portions of the currently recited claims. Kennedy does disclose planning production to supply the items to the selected buffer at the adjusted time value in at least column 3 and column 7, lines 30-65, wherein a "production plan" is created which matches consumers with producers, wherein the producers will supply the consumers with the desired items. This is a production plan per se because producers (who produce items) are set-up/considered/arranged to provide items to customers.

In response to argument (3), Examiner respectfully disagrees with Applicant's assertions. First, Examiner relied upon Kennedy et al. to disclose a database operable to store data describing a supply chain network and a planning system optimizer coupled to the database. See at least figure 1, column 2, lines 20-37, where Kennedy et al. discloses the system using data stored in processor memory and a storage device to perform planning for a supply chain. See also figure 1 and column 3, wherein supply chain planning and optimization is performed, as further explained below. Weber et al. was solely relied on to teach using a linear programming program, approximating this problem using discretized variables to yield a plurality of discretized variables and by relaxing the constraint to yield a relaxed constraint and calculating an optimized solution supply plan for the approximated linear programming problem.

In response to comment (a), Weber et al. does teach generating a linear programming problem for the supply chain network. See paragraphs 18, 27, 103, 120-1, and 170, which specifically discloses setting up a supply chain model that represents the physical supply chain network, and establishing an objective function and the hard and soft constraints for the problem. Linear Programming is applied to the model to determine a solution.

In response to comment (b), Weber et al. does teaches approximating this problem using

discretized variables to yield a plurality of discretized variables and by relaxing the constraint to

yield a relaxed constraint and calculating an optimized solution supply plan for the approximated

linear programming problem. Weber et al. discloses using finite and discrete values in the linear

programming problem. Weber et al. further disclose relaxing one of the constraints of this

problem to be able to calculate an optimal solution, as well as both soft and hard constraints to

the LP problem. Thus, the solution is approximated by the relaxation of constraints. See

paragraphs 18, 27, 103, 120-1, and 170 and 106, 217.

In response to argument (4), Examiner reminds Applicant about the recent Supreme

Court Decision in KSR International Co. v. Teleflex Inc. KSR forecloses the argument that a

specific teaching, suggestion, or motivation is required to support a finding of obviousness. See

the recent Board Decision Ex parte Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf.

June 25, 2007) (citing KSR, 82 USPQ2d at 1396) (available at

http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4. Claims 1, 4-8, 11-15, 18-23, 25-29, 31-35, 37-41, and 43 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kennedy et al. (U.S. 6,047,290) in view of Weber et al. (U.S.

2002/0156663).

As per claim 1, Kennedy et al. discloses a computer-implemented method for generating a supply chain plan, comprising:

accessing data describing a supply chain network comprising a plurality of buffers, each buffer being operable to store a plurality of items and associated with a corresponding time variable, the supply chain network constrained by a constraint (See figure 1, column 1, lines 39-50, column 2, lines 24-35, 39-52, and 57-64, column 3, lines 20-45, column 6, lines 15-25, wherein data is accessed associated with a supply chain. Buffers are used to store items (i.e. resources, etc.) and associated time values (i.e. delivery time, timing), wherein the supply chain network is restricted by the amount of supply of items available);

using an algorithm for the supply chain network (See column 1, lines 39-65, column 2, lines 25-32 and 55-65, and column 3, lines 25-40, wherein planning algorithms are used on the supply chain network);

calculating an optimized supply chain plan, the optimized supply chain plan describing a quantity of items at each buffer for at least one time value of the corresponding time variable and including a list of producers operable to supply the items to each buffer (See figure 2, column 2, lines 39-65, and column 3, lines 7-32 and 40-65, column 5, lines 40-60, column 6, lines 1-15, and column 7, lines 30-50, wherein an optimized supply chain is produced by the planning system, where a quantity of items is described for each buffer based on time values. See figure 2, column 2, lines 39-65, and column 3, lines 7-32 and 40-65, column 5, lines 40-60, column 6, lines 1-15, and column 7, lines 30-50, wherein an optimized supply chain is produced by upstream and downstream planning, where producers are assigned to buffers to supply the items to the buffers); and

adjusting the optimized supply chain plan to satisfy the constraint (See column 3, lines

15-45, column 5, lines 35-60, column 7, lines 30-50, and column 8, lines 5-20, wherein the

supply chain is adjusted to satisfy the limited resources/production capabilities), wherein

adjusting the optimized supply chain comprises:

repeating the following until a last upstream buffer is reached (See figure 2):

selecting a buffer (See figure 2, column 3, lines 55-67, column 6, lines 54-67, column 7,

lines 15-35, wherein a buffer is analyzed);

adjusting at least one time value of the time variable of the selected buffer to satisfy the

constraint (See figure 2, column 3, lines 1-24 and 35-45, column 5, lines 20-30 and 42-60,

column 6, lines 1-10, wherein priority and due date associated with each buffer is adjusted); and

proceeding to a next upstream buffer (See figure 2, column 6, lines 54-67, column 7,

lines 15-35, wherein the decisions propagate upstream); and

repeating the following until a last downstream buffer is reached (See figure 2):

selecting a buffer (See figure 2);

planning production to supply the items to the selected buffer at the adjusted time value

(See figure 2, column 3, lines 35-45, column 4, lines 48-65, column 5, lines 35-50, column 7,

lines 30-65, wherein a production plan is based on downstreaming and time values are adjusted

based on this plan); and

proceeding to a next downstream buffer (See figure 2, column 8, line 55-column 9, line

6); and

generating an order plan by planning production to supply the quantity of items to each

buffer according to the list of producers associated with the buffer (See figure 2, abstract, column

1, lines 39-55, column 2, lines 39-56, column 3, lines 15-40, wherein a production plan is

generated where producers are associated with buffers).

However, Kennedy et al. does not expressly disclose that the algorithm used for the

supply chain network is a generated linear programming problem, approximating this linear

programming problem by discretizing the time variables of the buffers to yield a plurality of

discretized time variables and by relaxing the constraint to yield a relaxed constraint, or

calculating an optimized supply chain plan for the approximated linear programming problem.

Weber et al. using a linear programming program, approximating this problem using

discretized variables to yield a plurality of discretized variables and by relaxing the constraint to

yield a relaxed constraint (See paragraphs 18, 27, 33, 103-6, 118, 120-1, and 170, which

discloses setting up a supply chain model that represents the physical supply chain network and

all the upstream and downstream parties involved, as well as establishing the objective function

and the hard and soft constraints for the problem. Linear Programming is applied to the model to

determine a solution. The problem is further discretized to improve the solution). Weber et al.

further discloses calculating an optimized solution supply plan for the approximated linear

programming problem (See paragraphs 15-6, 118, 120-1, wherein an optimal solution is

determined using the goal and the hard and soft (relaxed) constraints).

Both Weber et al. and Kennedy et al. are concerned with optimally solving supply chain

networks in the best possible way. Kennedy et al. discloses building a model of this supply

problem, the model including items that flow through the supply chain and buffers that model the

flow of these items, the input into buffers being referred to as producers and the output flows

from buffers referred to as consumers. A planning system and algorithms are used to analyze

this inflow and outflow of data to obtain an optimal supply chain plan. Weber et al. also

discloses establishing a supply chain model that represents the physical supply chain network

and all the upstream and downstream parties involved, as well as establishing the objective

function and the hard and soft constraints for the problem. An optimal solution is determined by

applying OR techniques (such as LP) to this model, the optimal solution used for strategic and

tactical planning. It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the OR techniques, such as LP relaxation techniques, taught by Weber et al. in

order to increase the efficiency of obtaining an optimal solution, yielding a solution that allows a

user to make tactical and strategic decisions. See figure 2, column 3, lines 40-60, and column 7,

lines 30-50, of Kennedy et al., which describes analyzing the model in pieces through

upstreaming and downstreaming. See paragraphs 18, 27, 121, and 170, of Weber et al. that

discusses finding an optimal solution for a supply chain model.

As per claim 4, Kennedy et al. teaches wherein adjusting the optimized supply chain plan

comprises adjusting at least one time value of a time variable of at least one buffer to satisfy a

constraint (See column 3, lines 15-45, column 5, lines 35-60, column 7, lines 30-50, and column

8, lines 5-20, wherein a time value associated with a group of consumers (i.e. delivery) is

adjusted). However, Kennedy et al. does not expressly disclose satisfying a lead time constraint.

Weber et al. discloses inventory and lead time constraints (See paragraphs 39, 49, 81, 88,

101, 123, 217, which disclose inventory and lead time consideration, as well as lead time

constraints).

Kennedy et al. discloses time constraints as well as using a model with buffers and a

planning engine to manage safety stocks, safety times and timing of delivering items to

consumers. These aspects (i.e. safety times and timing) are controlled by flow policies. Weber et al. also discloses time constraints in association with a supply chain model, the time constraints including inventory considerations like lead-time. that represents the physical supply chain network and all the upstream and downstream parties involved, as well as establishing the objective function and the hard and soft constraints for the problem. The optimal solution determined by applying OR techniques (such as LP) to this model is used for strategic and tactical planning. It would have been obvious to one of ordinary skill in the art at the time of the invention to include lead time in a safety time aspect in order to increase the user's control over how the planning is performed by including aspects, such as safety time and lead time, to meet deadlines set by the user. See column 1, lines 30-32 and 50-65, of Kennedy et al.

As per claim 5, Kennedy et al. teaches wherein adjusting the optimized supply chain plan comprises adjusting at least one time value of a time variable of at least one buffer to satisfy a feasible time constraint (See column 3, lines 15-45, column 5, lines 35-60, column 7, lines 30-50, and column 8, lines 5-20, wherein a time value associated with a group of consumers (i.e. delivery) is adjusted to make supplying the demand feasible).

As per claim 6, Kennedy et al. discloses wherein adjusting the optimized supply chain plan comprises adjusting a quantity of items of at least one buffer to satisfy a lot constraint (See column 2, lines 55-65, column 3, lines 15-45, column 5, lines 35-60, column 7, lines 30-50, and column 8, lines 5-20, wherein the quantity supplied at a given time is adjusted (i.e. only supplying 9 instead of 10) in order to satisfy restrictions on supply and manage lot sizes. Flow policies dictate these restrictions).

As per claim 7, Kennedy et al. discloses adjusting the optimized supply chain plan comprises adjusting a quantity of items of at least one buffer to satisfy a capacity constraint (See column 2, lines 55-65, and column 6, lines 30-50, wherein safety stock is discussed and managing flow rules to assure that a safety stock amount is able to be produced).

As per claim 8, Kennedy et al. teaches a system for generating a supply chain plan, comprising:

A database operable to store data describing a supply chain network comprising a plurality of buffers, each buffer being operable to store a plurality of items and associated with a corresponding time variable, the supply chain network constrained by a constraint (See figure 1, column 1, lines 39-50, column 2, lines 24-35, 39-52, and 57-64, column 3, lines 20-45, column 6, lines 15-25, wherein data is accessed associated with a supply chain. Buffers are used to store items (i.e. resources, etc.) and associated time values (i.e. delivery time, timing), wherein the supply chain network is restricted by the amount of supply of items available);

a planning system optimizer coupled to the database and operable to:

using an algorithm for the supply chain network (See figure 1, column 1, lines 39-65, column 2, lines 25-32 and 55-65, and column 3, lines 25-40, wherein planning algorithms are used on the supply chain network);

calculating an optimized supply chain plan, the optimized supply chain plan describing a quantity of items at each buffer for at least one time value of the corresponding time variable and including a list of producers operable to supply the items to each buffer (See figure 2, column 2, lines 39-65, and column 3, lines 7-32 and 40-65, column 5, lines 40-60, column 6, lines 1-15, and column 7, lines 30-50, wherein an optimized supply chain is produced by the planning

system, where a quantity of items is described for each buffer based on time values. The optimized supply chain is produced by upstream and downstream planning, where producers are assigned to buffers to supply the items to the buffers); and

a heuristic solver coupled to the database and operable to adjusting the optimized supply chain plan to satisfy the constraint (See column 3, lines 15-45, column 5, lines 35-60, column 7, lines 30-50, and column 8, lines 5-20, wherein the supply chain is adjusted to satisfy the limited resources/production capabilities through successive stages), wherein the solver is operable to adjust the optimized supply chain plan by:

repeating the following until a last upstream buffer is reached (See figure 2):

selecting a buffer (See figure 2, column 3, lines 55-67, column 6, lines 54-67, column 7, lines 15-35, wherein a buffer is analyzed);

adjusting at least one time value of the time variable of the selected buffer to satisfy the constraint (See figure 2, column 3, lines 1-24 and 35-45, column 5, lines 20-30 and 42-60, column 6, lines 1-10, wherein priority and due date associated with each buffer is adjusted); and

proceeding to a next upstream buffer (See figure 2, column 6, lines 54-67, column 7, lines 15-35, wherein the decisions propagate upstream); and

repeating the following until a last downstream buffer is reached (See figure 2):

selecting a buffer (See figure 2);

planning production to supply the items to the selected buffer at the adjusted time value (See figure 2, column 3, lines 35-45, column 4, lines 48-65, column 5, lines 35-50, column 7, lines 30-65, wherein a production plan is based on downstreaming and time values are adjusted based on this plan);

proceeding to a next downstream buffer (See figure 2, column 8, line 55-column 9, line 6); and

an order planner coupled to the database and operable to generate an order plan by planning production to supply the quantity of items to each buffer according to the list of producers associated with the buffer (See figure 2, abstract, column 1, lines 39-55, column 2, lines 39-56, column 3, lines 5-40, wherein a production plan is generated where producers are associated with buffers).

However, Kennedy et al. does not expressly disclose that the algorithm used for the supply chain network is a generated linear programming problem, approximating this linear programming problem by discretizing the time variables of the buffers to yield a plurality of discretized time variables and by relaxing the constraint to yield a relaxed constraint, or calculating an optimized supply chain plan for the approximated linear programming problem.

Weber et al. using a linear programming program, approximating this problem using discretized variables to yield a plurality of discretized variables and by relaxing the constraint to yield a relaxed constraint (See paragraphs 18, 27, 33, 103-6, 118, 120-1, and 170, which discloses setting up a supply chain model that represents the physical supply chain network and all the upstream and downstream parties involved, as well as establishing the objective function and the hard and soft constraints for the problem. Linear Programming is applied to the model to determine a solution. The problem is further discretized to improve the solution). Weber et al. further discloses calculating an optimized solution supply plan for the approximated linear programming problem (See paragraphs 15-6, 118, 120-1, wherein an optimal solution is determined using the goal and the hard and soft (relaxed) constraints).

Both Weber et al. and Kennedy et al. are concerned with optimally solving supply chain

networks in the best possible way. Kennedy et al. discloses building a model of this supply

problem, the model including items that flow through the supply chain and buffers that model the

flow of these items, the input into buffers being referred to as producers and the output flows

from buffers referred to as consumers. A planning system and algorithms are used to analyze

this inflow and outflow of data to obtain an optimal supply chain plan. Weber et al. also

discloses establishing a supply chain model that represents the physical supply chain network

and all the upstream and downstream parties involved, as well as establishing the objective

function and the hard and soft constraints for the problem. An optimal solution is determined by

applying OR techniques (such as LP) to this model, this solution being used for strategic and

tactical planning. It would have been obvious to one of ordinary skill in the art at the time of the

invention to use the OR techniques, such as LP relaxation techniques, taught by Weber et al. in

order to increase the efficiency of obtaining an optimal solution, yielding a solution that allows a

user to make tactical and strategic decisions. See figure 2, column 3, lines 40-60, and column 7,

lines 30-50, of Kennedy et al., which describes analyzing the model in pieces through

upstreaming and downstreaming. See paragraphs 18, 27, 121, and 170, of Weber et al. that

discusses finding an optimal solution for a supply chain model.

Claims 11-14 recite equivalent limitations to claims 4-7, respectively, and are therefore

rejected using the same art and rationale as set forth above.

Claims 15 and 18-21 recite equivalent limitations to claims 1 and 4-8, respectively, and

are therefore rejected using the same art and rationale as set forth above.

Claim 22 recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale as set forth above.

Claim 23 recites equivalent limitations to claim 1 and is therefore rejected using the same art and rationale as set forth above.

As per claim 25, Kennedy et al. teaches wherein generating the order plan comprises repeating the following until a last upstream buffer is reached:

selecting a buffer that requires a quantity of items (See figure 2, column 2, lines 38-65, column 3, lines 3-40, column 6, lines 22-29 and 40-53, wherein a buffer is selected);

planning production to supply the quantity of items to the selected buffer using at least some of the producers from the list of producers associated with the buffer (See figure 2, column 1, lines 40-65, column 2, lines 46-65, column 3, lines 8-30, column 6, lines 22-29 and 40-53, wherein a supply plan is produced); and

proceeding to a next upstream buffer (See figure 2, column 3, lines 35-55, column 6, lines 54-67, column 7, lines 15-35, wherein planning is propagated upstream).

As per claim 26, Kennedy et al. discloses wherein generating the order plan comprises repeating the following until production to supply a quantity of items to a buffer is planned:

selecting a producer from the list of producers associated with the buffer (See figure 2, column 2, lines 38-65, column 3, lines 3-40, column 6, lines 22-29 and 40-53, wherein a producer is selected from multiple producers based on ability to supply the buffer);

planning production to supply at least some of the items to the buffer using the producer (See figure 2, column 1, lines 40-65, column 2, lines 46-65, column 3, lines 8-30, column 6, lines 22-29 and 40-53, wherein a supply plan is produced);

determining a remaining quantity of items required by the buffer (See column 2, line 65-column 3, line 15 and lines 25-40, column 4, lines 48-65, column 5, lines 55-67, column 7, lines 1-30, wherein quantity remaining is determined); and

proceeding to a next producer on the list (See column 1, lines 50-65, column 3, lines 25-40, column 6, lines 20-30 and 40-52, column 8, lines 30-41, wherein a next producer is used to supply the items).

As per claim 27, Kennedy et al. teaches wherein generating the order plan comprises repeating the following until production to supply a quantity of items to a buffer is planned:

selecting a producer from the list of producers associated with the buffer (See figure 2, column 2, lines 38-65, column 3, lines 3-40, column 6, lines 22-29 and 40-53, wherein a producer is selected from multiple producers based on ability to supply the buffer);

planning production to supply at least some of the quantity of items to the buffer using the producer (See figure 2, column 1, lines 40-65, column 2, lines 46-65, column 3, lines 8-30, column 6, lines 22-29 and 40-53, wherein a supply plan is produced);

proceeding to a next producer on the list if there is a next producer (See column 1, lines 50-65, column 3, lines 25-40, column 6, lines 20-30 and 40-52, column 8, lines 30-41, wherein a next producer is used to supply the items); and

planning production regardless of the list if there is no next producer (See column 3, lines 25-40, column 7, lines 30-50, column 8, lines 5-16 and 30-41, wherein production is planned to make consumer delivery late when there is no next producer).

As per claim 28, Kennedy et al. teaches wherein generating the order plan comprises repeating the following if a quantity of items cannot be supplied to a buffer by a deadline, until the quantity of items for the buffer is planned:

selecting a producer from the list of producers associated with the buffer, the producers operable to supply the items to the buffer after the deadline (See column 3, lines 25-40, column 7, lines 30-50, column 8, lines 5-16 and 30-52, wherein producers are selected to make delivery of the item after the due date);

planning production to supply at least some of the quantity of items to the buffer using the selected producer (See column 3, lines 25-40, column 7, lines 30-50, column 8, lines 5-16 and 30-52, wherein producers are selected to make delivery of the item after the due date); and

proceeding to a next producer on the list (See column 1, lines 50-65, column 3, lines 25-40, column 6, lines 20-30 and 40-52, column 8, lines 30-41, wherein a next producer is used to supply the items).

As per claim 29, Kennedy et al. discloses wherein generating the order plan comprises repeating the following if a quantity of items cannot be supplied to a buffer by a deadline, until the quantity of items for the buffer is planned:

selecting a supply time according to the list of producers associated with the buffer, the producers operable to supply the items to the buffer at one or more supply times after the deadline (See column 2, lines 55-65, column 3, lines 25-40, column 7, lines 30-50, column 8, lines 5-16 and 40-67, wherein timing associated with producers is selected, wherein times after due dates are utilized);

planning production to supply at least some of the quantity of items to the buffer using a

producer operable to supply the items at the selected supply time (See column 1, lines 40-65,

column 3, lines 25-40, column 7, lines 30-50, column 8, lines 5-16 and 30-52, wherein a supply

plan is produced to supply items at the specified time); and

proceeding to a next supply time (See column 3, lines 25-40, column 7, lines 30-50,

column 8, lines 5-16 and 40-67, wherein a next supply time (a late time) is selected).

Claims 31-35 recite equivalent limitations to claims 25-29, respectively, and are therefore

rejected using the same art and rationale as set forth above.

Claims 37-41 recite equivalent limitations to claims 25-29, respectively, and are therefore

rejected using the same art and rationale as set forth above.

Claim 43 recites equivalent limitations to the combination of claims 24 and 26, and is

therefore rejected using the same art and rationale as set forth above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Horne (U.S. 7,058,587) discloses a supplier network that uses Linear Programming and

buffer values to make a plan.

Sitarski (U.S. 5,237,497) discloses a supplier network having nodes and used to make

plans.

Ettl et al. (U.S. 5,946,662) discloses upstream and downstream considerations, using

linear programming, and generating a supplier network.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The

examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.
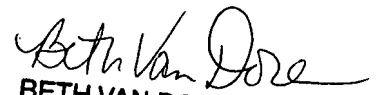
Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd
November 19, 2007

BETH VAN DOREN
PRIMARY EXAMINER